

JUDGE: ELLEN CARMODY

- (1) MOTION FOR ACTUAL INNOCENCE HEARING,
(2) DIS-ABILITY OF CURRENT CASE DISTRICT JUDGE.
and/or (3) convene grand jury to arrest real killers(people behind?)

The attached sheets proove the Factual Innocence of
the petitioner,beyong the souter, standard or House, Both 6th
circuit cases, souter in W.D. of Michigan.

Robert Homes Bell, used in part testimony of a prosetute, that
according to wittnesses he himself, partook in the peasures,
]therefof, Wilma Babcock. Dead man, Wayne Davis, was threatened with
death, by ms. Babcock, as wayne had tried to get her arrested.
Wayne and dozens saw, wilma's daughter 4 or 5 year old Taylor Bab-
cock, jump out of birth day cake at a part(birthday?), for a fed-
eral judge, ^{node} His body was found floating in lake, where wilma's
cocaine supplier(one),David Allen gabrion, had threatened to put,
Wayne Davis, Me, and several mōe! (at Least).

Rachel timmerman,I met once. My investigations,puts her doped,
sexually assaulted, raped at a police party, in newaygo county,
then people started putting her name out as a snitch. put her in
newaygo county jail, on petty charges,three times. The drug gang,
that Roach(and others), convinced into Rachel being a snitch,
hired a steveKn Christensen,to murder rachel's little sister, 4
months earlier. He failed but did statorially rape her. Roach got
him out 50 years early!!! *Forced Rachel into same set-up House.*

We have the DNA, that was never used properly. I have 20 people,
that should be tested. I was trying to bust my drug dealing, pedophile
fammilly and their evil fa'rends. sherry my niece,uses children at
stripper,or see thru women(laies shows). she is very good friend of
Mrs, and robert Holme XBell. I am her all drug users, and pedophiles
enemy. That is why they framed me!!!

28 U.S.C. 1746 " I declare the foregoing to be true and correct,
and I do so under penalty of perjury." I can use video here, to
testify, give names to issue, subpeona's, or proove my innocence.

GET THE STAR IN THE GAME, TOGETHER WE CAN GET JUSTICE FOR:
RACHEL TIMMERMAN. AND ME!!!!

nov. 18th, 2008

Marvin Gabrion II
Marvin Charles Gabrion II

1:99-cr-76

Robert Holmes Bell
U.S. District Judge

FILED - GR

November 25, 2008 3:03 PM

RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: gf

OVER →
PLEASE

I am on direct appeal,
so, I can be witted up
to Kent County Jail. SAFE? CALL ME,
PLEASE.

Is there a U.S. Marshall you
trust. one threatened to shoot me, during transport.
He helped supply drugs that contributed,
maybe, "your might say" caused
Rachel Timmerman's death!
very likely. ditto a fair levy!

please order "All papers and personal
property, transported to Kent County
Jail."
call 812-244-4400
arrange legal call.

Marvin Gabriel II

most here, can not be trusted.

Murder, rape, federal racketeering,
B.O.P. is a criminal!

Document SIX



FEDERAL BUREAU OF INVESTIGATION WASHINGTON, D. C. 20535

Report of Examination

Examiner Name: John E. Stewart

Unit: DNA II

Case ID #: 7A-DE-80788

Date: August 24th, 1997

Phone No.: (202) 324-5574

Lab No.: 71128004 S/I/L

ZG UJ BO JA BL

RU KM

Results of Examinations:

A mitochondrial DNA (mtDNA) sequence was obtained from the pubic hair, removed from plastic vial. Hair being identified by accompanying documents, as being found in the crotch, of victim: Rachel Timmerman, at preliminary autopsy. Hair Identified as 'Q28' Hair, well rooted, provided a solid DNA sequence. Having compared the DNA from the k10 Blood Sample, of mother (Elaine Althea Gabrion), and to the blood sample of Marvin Charles Gabrion II, (k12), it is absolutely certain that Marvin Gabrion II, (the determined suspect) is eliminated as the source of the 'Q28 Hair'. No other MtDNA or DNA comparisons were requested, nor conducted, to the aforementioned, pubic hair.

(true copy of original delivered to Federal Bureau of Prisons,
by United States Postal service, from Federal Bureau of Investigations,
April, 11th, 2007)

Edward Combs, Official
Bureau of Prisons Notary.

EDDIE COMBS

DNA II - Page 1 of 1

Notary, State of Indiana
for County of Marion
4/21/00 4/3/2011

CTAUSA

PRO-SE

CAPITAL CASE **QUESTION(S) PRESENTED** (short introduction, "to set stage" per your instructions!)
JUST JURISDICTION. INEFFECTIVE, MURDEROUS INTENT COUNSEL, CHOKED
PANEL's QUESTION (6) on remand "ANY OTHER INFORMATION OR ARGUMENT
RELEVANT TO THIS ISSUE OF JURISDICTION?" 99% HID BY COUNSEL!

thee QUESTIONS FOR U.S. SUPREME COURT, JUSTICES!

(1) The unique RIGHTS OF THE CITIZENS OF MICHIGAN, FEDERAL STATUTES, SOVEREIGNTY OF MICHIGAN, AND THE AFRONT TO CONSTITUTIONAL BALANCE, BETWEEN STATES AND FEDERALS, MEANS NO FEDERAL CRIMINAL JURISDICTION, IN NATIONAL FORESTS OF MICHIGAN? you agree with US?

(2) THE QUESTIONS CONCERNING WHERE VICTIM DIED, IF WATERS WAS OVER PRIVATE LAND, MICHIGAN's 164 year laws with no death penalty, and more, MEANS CAPITAL CONVICTION IN THIS CASE MUST BE VACATED?

(3) JURISDICTIONAL INEFFECTIVE COUNSEL ON REMAND AND TRIAL, DEMANDS PRO-SE STATUS, WITH NEW TRIAL, AND/OR JURISDICTION HEARING?

(4) Judge Merritt, 8th circuit, MARVLS1, CLASHS!, with [REDACTED] judges, and 10th CIR. in fields. YOU AGREE WITH US?

(5) CAPITAL JURISDICTION WITHIN NON-DEATH STATES IS GENOCIDE, AND FOREVER MORE UNCONSTITUTIONAL, DO YOU AGREE WITH US?

(6) CAPITAL JURISDICTION, in stare decisis OF 100's of copy cat murders & execution of 100's of FACTUALLY INNOCENT, DO YOU AGREE WITH US, THAT CAPITAL PUNISHMENT, MUST FOREVER END IN THIS NATION?

(7) Bogus jurisdictional physical evidence & trial witness liars: DEMANDS NEW FAIR UNBIASED JUDGE, THEN RETRIAL ON EVERYTHING?

(8) Ineffective/DISHONEST lawyers being legion, JUSTICE DEMANDS: PRO-SE with stand-by counsel (to relieve B.O.P. mail theft). DO YOU AGREE WITH US?

P.S. REGARDLESS, VERY SINCERE THANKS, FOR YOUR CONSIDERATIONS.

Doc Two

3 of 16 DOCUMENTS

MICHIGAN COMPILED LAWS SERVICE
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*** THIS DOCUMENT IS CURRENT THROUGH Ch. 14, 6/5/2003 ***

CHAPTER 3 FEDERAL AND INTERSTATE RELATIONS
NATIONAL FORESTS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

MCLS § 3.401 (2003)

MCL § 3.401

§ 3.401. National forests, acquisition of lands; execution of process.

Sec. 1. That the consent of the state of Michigan be and is hereby given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Michigan as in the opinion of the federal government may be needed for the establishment, consolidation and extension of national forests in the state: Provided, That the state of Michigan shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the state of Michigan against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

HISTORY: Act 312; 1923; p 489; eff August 20, 1923.

Pub Acts 1923, No. 312, § 1, eff August 20, 1923.

Prior codification:

CL 1929, § 414

G. Wanger, *Historical Reflections on Michigan's Abolition of the Death Penalty*, 13 T.M.

Cooley L. Rev. 755, 755 & 765 (1996). In 1964 the legislative prohibition against the death penalty which had been in effect since 1846 was made a part of the Michigan constitution.⁴

Defendant challenges the death penalty notice based upon Michigan's prohibition against the death penalty.

⁴Effective 1964, the Michigan Constitution was revised to provide that "No law shall be enacted providing for the penalty of death." MICH. CONST. Art. IV, § 46; Wanger, 13 T.M. Cooley L. Rev. at 771-72.

"NO LAW SHALL BE ENACTED THAT PROVIDES FOR THE PENALTY OF DEATH"
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AFFIDAVIT &

petition to stop THEFT OF CONSTITUTIONAL RIGHTS, dubbed 'mail restrictions', by Warden h. g. Marberry. Attorney's and staff of Terre haute Indiana federal prison(812)244-4400,have conspired together to steal mail from: U.S. pardon office,Governor Granholm of Michigan,U.S, prosecutor Eastern district of Michigan(Murphy),many others, each a felony,with intent to murder, via hiding my innocence, from the court,media, victims fammilly, etc.

Warden h. g. Marberry has obstructed justice in the arrest of: two irish attorney's,whom corhearced,used death sentence,to get inmates to get them to murder two blacks. One a prosecutor. Marberry, is a black woman.

She has to my face, ignored staff,helping,forcing inmates into doing felonyies encluding murders for them! Stealing and mis-spending money, taking bribes. Assisting in terrorizing inmates into "painting", filing false medical scams, and murdering members of the fammillies of employee's.

Now,the fact is,the criminals working for the prison,McNally & O'Donnell P.L.C.(attorney's 502-227-2142), and the evilest inmates, run this prison. She is just a 'do nothing' go along,probably to scared to take on any real criminals. The murders are for real. And she and most the staff,freely admit to that and most these "alegations".

What I want is all my mail restrictions lifted. I will not mention to media,or anyone about the staff's activities. Never mention any inmate to media(polocy). Only mention the biased judge where it is legal to do. Other,suggestions by Marberry or unit manager,JULIAN, may be acceptable to me. probably so. In return I will Not testify, as to the crimes,(obstruction,endangering inmates,etc. that Marberry MAY HAVE DONE!) You have been hiding my innocence from world, illegally, and committing attempted murder,of me. Not reading the documents,rubber stamping lies of your child moleting staff,BEING ILLEGALLY SELF BLINDED,MAKES IT NO LESS OF A CRIME! please remove all mail restrictions upon me. Thank you. 28 U.S.C. 1746 "I do state all the foregoing to be true and correct, I do so under threat of perjury am I prooven wrong or lieing" Nov. 13th 2008

Marvin Charles Gabrion II

Marvin Charles Gabrion II
#09184-055 MICHIGAN RESIDENT,
INNOCENT POLETICAL PRISONER!

